

28

Receipt Number

566 796

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EX A-D

**LIFESTYLE LIFT HOLDING, INC., a
Michigan corporation, and LL MA East, P.C., a
Michigan professional corporation d/b/a Lifestyle Lift**

Case No.

Plaintiffs,

v.

COMPLAINT

**NEW DREAM NETWORK, L.L.C. a
California limited liability company,
and FRANK P. FECHNER, M.D.**

Defendants

Case: 2:08-cv-10392
Judge: Cohn, Avern
Referral MJ: Scheer, Donald A
Filed: 01-28-2008 At 03:07 PM
CMP LIFESTYLE LIFT ET AL VS NEW DRE
AM NETWORK LLC ET AL (LH)

Kenneth M. Zorn, Esq. (P22756)
Michael C. McKinnon, Esq. (P41362)
Counsel for Plaintiffs
100 Kirts Blvd., Suite A
Troy, MI 48084
(248) 519-9129

Now come the Plaintiffs in the above-captioned cause and for their Complaint
hereby aver, as follows:

GENERAL ALLEGATIONS

1. Plaintiff Lifestyle Lift Holding, Inc. ("LLH") is a Michigan corporation located at 100 Kirts Blvd., Ste. A, Troy, MI 48084.
2. Plaintiff LL MA East, P.C. ("LL MA") is a Michigan professional corporation registered to do business in Massachusetts as "Lifestyle Lift" with offices at 271 Waverly Oaks Rd., Ste. 101, Waltham, MA 02452

3. Defendant New Dream Network, L.L.C. ("NDN") is a California limited liability company whose registered address is 10 Pointe Dr., Ste 235, Brea, CA 92821 and upon information and belief it is the owner of the websites www.drfechner.com and www.faceliftboston.com

4. Defendant Frank P. Fechner, M.D. ("Fechner") is a physician who resides in Massachusetts and does business at 428 Shrewsbury St., Worcester, MA 01604.

5. Plaintiff LLH is the owner and holder of the registered mark "Lifestyle Lift", which mark is valid and subsisting.

6. This is an action arising under jurisdiction over this action by virtue of the existence of the Lanham Trademark Act and specifically, §43 of the Trademark Act, 15 U.S.C. 1051 et seq., 15 U.S.C. 1114, 1121, and 15 U.S.C. 1125(a). Jurisdiction is proper in this Court pursuant to 28 U.S.C. 1331 and 1338 as well as under the doctrine of ancillary jurisdiction over the related state claims.

7. Venue is proper under 28 U.S.C. 1391.

FACTS APPLICABLE TO ALL COUNTS

8. Plaintiff LLH is the owner of U.S. Servicemark Reg. No. 3,102,900 for the mark "Lifestyle Lift", which mark is used to identify cosmetic and plastic surgery procedures. This mark is valid and subsisting. See attached Exhibit A.

9. Plaintiff LLH licenses the use of the mark "Lifestyle Lift" to cosmetic and plastic surgery centers across the United States (the "Licensed Facilities").

10. Doctors working in Licensed Facilities specialize in performing minimally invasive facelift procedures which are marketed to the purchasing public under Plaintiff LLH's "Lifestyle Lift" mark. Licensed Facilities, including LL MA, have become well and

favorably known in the communities in which they operate, gaining a reputation for quality facelift services at reasonable cost in a caring and pleasant environment.

11. Notable positive television coverage on ABC, CBS, NBC, FOX, UPN (now CW) and WGN which, along with the fine quality of the services rendered by surgeons operating in Licensed Facilities, has resulted in strong consumer recognition of the mark "Lifestyle Lift" and the quality of the services to the plastic surgeons that operate under the mark "Lifestyle Lift"

12. Plaintiff LL MA is a Licensed Facility in Waltham, MA, where its physicians perform minimally invasive facelift cosmetic surgery procedures under the mark "Lifestyle Lift".

13. Defendant Fechner is in the business of providing facial plastic surgery services in the Boston area and as such, Defendant Fechner directly competes with Plaintiff LL MA.

14. Defendants use websites, including those with the URL's, www.drfechner.com and www.bostonfacelift.com to advertise and further their business interests. A printed copy of the external appearance of relevant portions of these sites is attached as Exhibit B.

15. Defendants have included the phrase "Lifestyle Lift" on their websites to identify the facial plastic surgery services provided by Fechner.

16. The HTML code for the www.bostonfacelift.com site contains the words "Lifestyle Lift" in the title, metaname/description and mataname/keywords section at the very start of the code. A printed copy of this code is attached as Exhibit C. This code, by incorporating Plaintiff's trademark in such a manner, will cause and is designed to

cause search engines such as Google to be directed to Defendants' website when a computer user types in the words "Lifestyle Lift".

17. The HTML code for the "Lifestyle Lift" part of the www.drfechner.com site (ie. www.drfechner.com/lifestyle-lift.htm contains the words "Lifestyle Lift" in the title, metaname/description and mataname/keywords section at the very start of the code. A printed copy of this code is attached as Exhibit D. This code, by incorporating Plaintiff's trademark in such a manner, will cause and is designed to cause search engines such as Google to be directed to Defendants' website when a computer user types in the words "Lifestyle Lift".

18. By incorporating Plaintiff's mark "Lifestyle Lift" into their advertising, Defendants have conspired together to cause and actually do cause search engines such as Google to be directed to Defendants' website when a computer user from certain geographic areas enters the words "Lifestyle Lift" on the Google search engine.

19. The design of Defendants' websites content and code deliberately use the words "Lifestyle Lift" with the intent to create confusion, mistake and deception in the minds of the purchasing public leading the public to believe that Defendants are associated or affiliated with Plaintiffs.

20. Defendant Fechner has been asked to cease and desist but has failed to do so.

COUNT ONE
INFRINGEMENT OF TRADEMARK
IN VIOLATION OF 15 USC 1114

21. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 20 of this complaint as a part of this Count.

22. Plastic surgery services provided by LL MA under the mark "Lifestyle Lift" have been rendered in great numbers and continue to be extensively performed by surgeons at LL MA and other Licensed Facilities.

23. Services provided by Plaintiff LL MA under the mark "Lifestyle Lift" has obtained a reputation of the highest quality giving Licensed Facilities such as LL MA and surgical services it provides an eminent position in the marketplace.

24. Plaintiff LLH has incurred great expense and had devoted substantial resources to make the mark "Lifestyle Lift" and its associated services readily recognizable to consumers.

25. Defendants have used and continue to use the mark "Lifestyle Lift" in direct competition with Plaintiff LL MA in connection with the offering for sale, advertising and promotion of surgical services in a manner that is likely to cause confusion or mistake or to deceive purchasers as to the source of origin of such services in violation of 15 USC 1114.

26. Defendants have deliberately misled and will continue to mislead patients, prospective patients, and the public, causing them to believe, contrary to fact, that Defendants' services are marketed, sponsored, endorsed by, or affiliated with Plaintiffs.

27. Defendants have profited by their illegal activities.

28. Unless restrained, Defendants will continue to deceive the public, impair and dilute the value of Plaintiffs' services mark "Lifestyle Lift" and otherwise will continue to cause Plaintiffs immediate and irreparable harm for which there is no adequate remedy at law.

29. As a direct and proximate result of these acts, Plaintiffs have sustained and will continue to sustain not only irreparable damage and financial damage to their businesses, goodwill, reputation and profits.

**COUNT TWO
FEDERAL UNFAIR COMPETITION
IN VIOLATION OF 15 USC 1125(a)**

30. As a cause of action and ground for relief, Plaintiffs re-allege and incorporate by reference paragraphs 1 through 29 of this complaint as a part of this Count.

31. The aforesaid acts of Defendants constitute unfair competition and passing off, in that their acts and are likely to cause the trade and the public to erroneously believe that Defendant Fechner's products and services originate with and/or are guaranteed by Plaintiffs, or otherwise associated with Plaintiffs In violation of 15 U.S.C. 1125(a).

32. Defendants have used, in connection with goods and services, a false designation of original and a false description and representation, including words, reproductions and other symbols tending falsely to describe or represent the same as being affiliated or sponsored by Plaintiffs in violation of 15 U.S.C. 1125(a).
competition and infringement by Defendants.

**COUNT THREE
MASSACHUSETTS UNFAIR COMPETITION IN
VIOLATION OF ALM GL c 93A et seq.**

33. As a cause of action and ground for relief, Plaintiffs allege and incorporate by reference paragraphs 1 through 31 of this complaint as a part of this Count.

34. The aforesaid acts of Defendants violate the Massachusetts Unfair Competition Act, ALM GL C 93A et seq., by willfully misrepresenting goods or services as those of another.

35. The aforesaid acts of Defendants violate the Massachusetts Unfair Competition Act, ALM GL C 93A et seq., by willfully misrepresenting the source, sponsorship, approval, or certification of goods or services.

36. The aforesaid acts of Defendants violate the Massachusetts Unfair Competition Act, ALM GL C 93A et seq, by willfully misrepresenting that services have affiliation, connection, or association of the goods or services of another.

37. Defendants are liable to Plaintiffs for actual damages and reasonable attorney fees pursuant to the Act.

38. Plaintiffs have suffered damage in amounts at present uncertain on account of said complained of acts of Defendants.

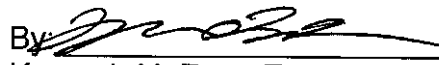
39. Plaintiffs are entitled to judgment for any damages sustained by Plaintiff in consequence of the willful nature of the unfair competition by Defendants.

WHEREFORE, Plaintiffs Lifestyle Lift Holding, Inc. and LL MA East, P.C. respectfully request:

- A. That Defendants be ordered to account for damages to Plaintiffs for the business now being operated by them;
- B. That Plaintiff LLH's mark "Lifestyle Lift" be found valid and infringed;
- C. That Plaintiffs be awarded damages in an amount equal to Defendants' profits;
- D. That Defendants be preliminarily enjoined during the pendency of this litigation and permanently enjoined and restrained thereafter from utilizing

in any way Plaintiff LLH's mark "Lifestyle Lift"; or any colorable imitation thereof.

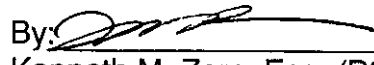
- E That Defendants' infringing domain names be cancelled and/or transferred to Plaintiff;
- F That Defendants deliver for destruction all infringing materials and that the websites www.drfechner.com, www.bostonfacelift.com, and any other website or domain name controlled by either Defendant containing infringing content be shut down;
- G That Plaintiffs be awarded their costs and attorney fees; and
- H That this honorable Court grant Plaintiffs such other relief that the Court deems proper.

By: 
Kenneth M. Zorn, Esq. (P22756)
Michael C. McKinnon, Esq. (P41362)
Attorneys for Plaintiffs
100 Kirts Blvd., Suite A
Troy, MI 48084

Dated: January 28, 2008

JURY DEMAND

NOW come Plaintiffs, Lifestyle Lift Holding, Inc., and LL MA East, P.C. and hereby demand trial by jury in the above captioned matter.

By: 
Kenneth M. Zorn, Esq. (P22756)
Michael C. McKinnon, Esq. (P41362)
Attorneys for Plaintiffs
100 Kirts Blvd., Suite A
Troy, MI 48084

Dated: January 28, 2008

Exhibit A

Int. Cl.: 44

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,102,900

Registered June 13, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

LIFESTYLE LIFT

LIFESTYLE LIFT HOLDING, INC. (MICHIGAN
CORPORATION)
100 KIRTS BOULEVARD
TROY, MI 48084

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "LIFT", APART FROM THE MARK
AS SHOWN.

FOR: COSMETIC SURGICAL PROCEDURES, IN
CLASS 44 (U.S. CLS. 100 AND 101).

SER. NO. 78-203,868, FILED 1-16-2003.

FIRST USE 12-20-2002; IN COMMERCE 12-20-2002.

ESTHER BELENKER, EXAMINING ATTORNEY

Exhibit B



facial plastic surgery

Frank P. Fechner, MD*The Finestest Your Face Deserves*

128 Shrewsbury Street, Worcester, MA 01603, Tel: (508) 754-4000, Fax: (508) 754-4222

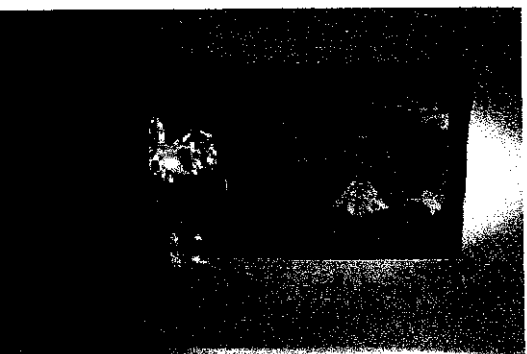
Aesthetic Facial Plastic Surgery

Dr. Fechner is passionate about aesthetic and reconstructive surgery of the face and neck region. Therefore, he decided early on to focus exclusively on facial plastic surgery. This sub-specialization gives Dr. Fechner the advantage to offer state-of-the-art plastic surgery services and his patients benefit from his vast experience with these delicate cosmetic surgery procedures.

Dr. Fechner spends a significant amount of time with his facial plastic surgery patients; the *comprehensive consultation* and follow up visits are performed in a relaxed, elegant and comfortable environment. Before and after photographs are available for view during the private consultation.

Facial Rejuvenation

A well-balanced, pleasing and natural look is the ultimate goal of any facial rejuvenation intervention. Therefore, Dr. Fechner tailors his systematic approach to the special needs of the individual patient; not every patient needs a *full facelift*. Because plastic surgery alone can only rarely reverse signs of aging in a balanced way, Dr. Fechner's modern and comprehensive treatment regimens includes medical skin care, non-surgical office treatments (i.e., long-lasting or permanent dermal fillers), minimal invasive facial cosmetic procedures (i.e., *facial peels*) and cosmetic surgery procedures. Get more information on *Non-surgical Facial Rejuvenation Treatments*.



Rejuvenation Surgery

The synthesis of time-proven facial cosmetic surgery procedures and new techniques allows Dr. Fechner to achieve pleasing results without the

before

Dr. Fechner

comprehensive consultation

after surgery

non-surgical treatments

facial peels

dermal fillers

facelift

after surgery

facelift

after surgery

undesirable operated-on look.

Facial cosmetic procedures may address the eye and brow area (i.e., browlift, blepharoplasty, liposuction), the midface (endoscopic midface lift, facelift, fat transfer, cheek lift, cheek implant), the lower face (deep-plane facelift, chin implant, jowl implant, facial fat transplantation) and the neck (neck lift, facelift, liposuction, platysmaplasty or neck muscle tightening).

Although a small facelift may be appealing to patients, the results and longevity of many "mini" face lifts have been disappointing. This is where innovative procedures like the Lifestyle Lift and the *Finesse Lift* are pioneering procedures that revolutionized Dr. Fechner's approach to facial rejuvenation. Thousands of Dr. Fechner's patients have benefited from the Finesse Lift, the Lifestyle Lift (performed in the Waltham office) and deep-plane facelifts.

The Lifestyle Lift™ is an innovative procedure that addresses most concerns of facial aging with decreased downtime. In some cases, plastic surgery procedures can be combined to achieve the desired balanced and natural look of the face. Get more information on the *Finesse Lift*.

Rhinoplasty (Nasal Surgery)

Without doubt, surgery to reshape the nose (rhinoplasty) is one of the most challenging procedures performed by a plastic surgeon. A successful rhinoplasty operation demands the creation of a natural and well-proportioned nose without sacrificing nasal function. Because of its complexity, challenge and good outcome, rhinoplasty is one of the most favorite facial plastic procedures that Dr. Fechner performs. He has the advantage of being double board-certified, both in Facial Plastic Surgery and Otolaryngology (surgical specialty of nasal disorders). His vast experience with the functional and aesthetic aspects of nasal surgery makes Dr. Fechner a Rhinoplasty specialist and allows him to reliably improve the aesthetics and function of the nose. Get more information about *Rhinoplasty (Nasal Surgery)*.

Chin & Cheek Surgery

Procedures to augment the cheek or the chin are usually performed through small incisions that are either invisible or virtually invisible. Modern chin implants are placed in order to enhance one's profile. Computer imaging during the consultation meeting allows Dr. Fechner to achieve a common vision of a realistic chin implantation result with the patient. Get more information on *Chin Augmentations* and *Cheek Augmentations*.

Cosmetic Ear Surgery

Ears that are poorly positioned in relationship to the head can be effectively and

safely treated with a procedure (otoplasty) where a small scar is hidden in the skin crease behind the ear. The key to modern otoplasty surgery (ear reshaping) is to create a natural looking ear that is positioned normally and lacks unusual edges. Get more information on *Cosmetic Ear Surgery*.

Collagen Induction Therapy

A thick network of collagen fibers forms the backbone of healthy skin. Various skin conditions including acne scarring and wrinkle formation result from a change of this collagen network. This cutting-edge and minimal-invasive technique induces the natural production of a new collagen network. During the private consultation, Dr. Fechner will discuss if Collagen Induction Therapy is right for you. Get more information on *Collagen Induction Therapy*.

For more information about some of the most common facial cosmetic procedures please follow the links below:

Facial Cosmetic Surgery

- *Facelift*
- *Finesse Lift*™
- *Browlift*
- *Blepharoplasty (Eyelids)*
- *Rhinoplasty (Nose)*
- *Chin Augmentation*
- *Cheek Augmentation*
- *Otoplasty (Ears)*
- *Collagen Induction Therapy*

*about dr. fechner | consultation process | aesthetic surgery
non-surgical treatments | reconstructive surgery | anesthesia
humanitarian efforts | testimonials | press & media | contact*

© Dr. Fechner Plastic Surgery
Directory Site Map



Facelift Procedures

Certainly, one facelift is NOT like the other. There are various surgical procedures called "facelift" but these operations may be performed differently with likely different end-results. Therefore, we recommend a thorough discussion with your plastic surgeon about which procedure will be performed, why and what the end result will be. Some cosmetic surgeons perform one facelift procedure and adjust this procedure to the particular needs of the patient. Other plastic surgeons take advantage of a variety of facelift procedures to maximize on fine-tuning the procedure for the patient.

Traditional Facelift

The facelift in the traditional sense really addresses the lower face and the neck, therefore also commonly called a face/neck lift. It involves an incision starting high within the temporal hairline coming down in front of the ear, curving around the earlobe, continuing

[Home](#)

[General Info](#)

[About You](#)

[Choosing a Surgeon](#)

[Consultation](#)

[Procedures](#)

[Incisions](#)

[Anesthesia](#)

behind the ear and ends far into the hair behind the ear. The skin is extensively dissected off the underlying muscle layer towards the nose, the mouth and the middle of the neck. Using sutures, the muscle layer (also called the "SMAS" = superficial musculo-aponeurotic system) is lifted up and towards the ears. It is this repositioning of the muscles that gives a facelift the desired longevity. Next, excess facial skin and hair bearing scalp is removed and the incisions are closed with sutures. Some surgeons also use surgical staples. Commonly, the traditional facelift incorporates some liposuction of the neck and under the chin as well as a platysmoplasty.



Deep Plane Facelift

The deep-plane facelift is an advancement of the traditional SMAS facelift in the quest of improved midface rejuvenation and a more natural appearance. As the name implies, a deeper plane of surgical dissection is entered within the midface and lower face region before the muscles are lifted. The incision line is similar to the traditional facelift. During a deep plane facelift, the SMAS layer is separated off the underlying deeper structures (i.e. chewing muscles, facial nerve etc.). Advocates of this procedure point to a "natural" plane of dissection with decreased blood vessels and an improved rejuvenation of the droopy midface. Plastic surgeons using the traditional facelift technique are sometimes doubtful of a significant outcome advantage and point out higher technical intricacy and an increased risk for nerve injury with the deep plane facelift procedure.

SMAS Facelift

This is a term that is interchangeable with traditional facelift. It points out the fact that the SMAS is lifted and distinguishes this from the deep plane facelift.

Temporal Facelift

There is not a universally acknowledged definition for temporal

Preparation & After Care

Complications

Tubes & Drains

Combined Procedures

Contact

Check Here to View

Dr. Tuck O. Thomas

Massachusetts Forefront Spine MD

www.massforefront.com

Questions? Just fill in the form below to find out more about facelift procedures. Thank you.

Name: _____

facelift. Most specialists use this procedure to give the brows a lift without having to do an entire browlift. Usually, the sides of the brows can be lifted by adjusting the facelift procedure and its incision accordingly. The temporal facelift is therefore a beneficial procedure for patients, who also have droopy eyebrow sides which often creates additional eyelid hooding. Some facial cosmetic surgeons may only perform a partial upper facelift without incorporating the neck for patients that have a youthful neck but are looking for an upper and midface improvement.



Necklift

A necklift can be considered a partial facelift where the aging neck is rejuvenated. Therefore, the incision is usually significantly shorter and is limited to the earlobe and in the back of the ear. Commonly, a platysmaplasty is performed and fat is removed from the neck region by means of neck liposuction. Although not as much as in complete face and neck lifts, the jowls often improve hereby providing the patient with a cleaner jawline. Aside from focusing one's efforts on the neck as the particular region of concern, a patient can commonly return sooner to his or her professional and social activities; after a necklift, the initial post-operative signs can be easier camouflaged by using scarves and turtle necks in addition to make-up.

Platysmaplasty

Platysmaplasty literally means "plastic surgery of the platysma". The platysma is the muscle located beneath the skin within the neck region. As aging progresses, the front edges of this muscle produce unsightly neck "chords" due to its decreased elasticity. During a platysmaplasty, the skin is separated from the platysma muscle and these chords can be lifted and hereby eradicated. A platysmaplasty is commonly performed in conjunction with a facelift and a necklift.

Neck Liposuction

Liposuction of the neck is sometimes performed as a sole procedure.

Email:

Phone #:

Comments:

Submit

Here it is limited by the patient's skin elasticity to accommodate the new neck shape. More commonly, it is almost routinely performed with facelift surgery. Although one of the small steps during a facelift, it is usually very important for an optimal outcome. A tiny opening is placed underneath the chin to allow access for a small liposuction cannula. Using a suction apparatus, fat is carefully removed from the neck to allow optimal definition of the chin and neck angle. The key is to remove this fat evenly for a smooth neck appearance and not to remove too much to create an unnatural appearance. Generally, only a little fat removal is necessary to create the desired result.

Many people have seen body liposuction on reality T.V. and are concerned with the rather rough nature of this procedure. Certainly, there is a significant difference in the extent of liposuction, and volumes being removed with neck liposuction being a rather gentle and limited procedure with small risks.



Midface Lift

The midface lift is a relatively new operation within the realms of facelift procedures. The goal of a midface procedure is to elevate soft tissues that have drooped from the cheek bone downwards thereby creating a hanging and heavy midface appearance and deepened nasolabial folds. Opinions about its value vary widely: some plastic surgeons use the midface lift almost routinely as part of their facelift procedures; if combined with a facelift, then a traditional "SMAS" lift is performed to also rejuvenate the jawline and neck regions. The deep plane facelift may improve the midface more dramatically than a traditional facelift and therefore, a midface lift is usually not necessary. The midface lift is commonly performed using endoscopes through incisions within the temporal hairline and sometimes within the mouth or from within the lower eyelids.

Various technical aspects are common topics of discussion during scientific facial cosmetic surgery conferences demonstrating, that the last word of the best approach to the midface has not been spoken.

As a side note, some facial plastic surgeons believe that a similar improvement can be obtained by using fat grafting ("liposuction") or cheek implants. Also, before embarking onto a midface lift, you should know about the possible prolonged swelling (3 to 5 weeks) after this procedure. One plastic surgeon therefore named the midface lift also the "pumpkin operation" because of the rather impressive facial swelling. On the upside, a midface lift may provide a potentially more complete final result.

Subperiosteal Facelift

After the advanced technique of the deep plane facelift has become popular with some cosmetic surgeons, others searched for an even deeper layer of tissue dissection in the quest for optimal results. "Subperiosteal" means right on top of the facial bones and this is therefore as deep as it gets. This technique is a continuation of the midface lift. In general, only few surgeons apply the technique of the subperiosteal facelift. Reasons for this may include the technical difficulty of this facelift technique, its prolonged swelling after the procedure and the unanswered question whether the final result is superior.

Lifestyle Lift™

The Lifestyle Lift is a branded procedure offered in various Lifestyle Lift centers throughout America. Facial plastic surgeons performing this procedure apply a modification of the traditional facelift to allow that the lifestyle lift can be performed in approximately one hour under local anesthesia. Commonly, neck liposuction is performed as well. The incision is usually significantly shorter than that of a full facelift and the recovery time is shorter. Plastic surgeons performing the Lifestyle Lift commonly perform a large number of these procedures and therefore become extremely proficient with it. Because it is a less extensive and less invasive procedure, the results are likely not quite as dramatic as with full facelift. Therefore, the Lifestyle Lift may be best suited for younger people in their 40s and 50s who are not interested in the larger facelift procedures (i.e., traditional facelift, deep plane facelift).

For more information, please visit the official Lifestyle Lift™ website (www.lifestylelift.com)

Short-Scar Facelift

The name "short-scar facelift" does not give much information about the procedure itself. It solely implies that the incision lines and therefore the resulting scar may be shorter than in other procedures. Although it is of course nice to keep the incision line as short as possible, most people who had a facelift done in the past would agree that this line is rarely a cosmetic concern but that preservation of hair is a much greater concern. Therefore, it is more important to learn what the plastic surgeon is doing after he/she did the shorter incision line: are techniques of a traditional "SMAS" facelift, deep plane facelift or "S-lift" employed.

"S-Lift"

A S-Lift is a modified Mini facelift where the lifting sutures are placed in a specific S-shaped pattern. The S-lift procedure was introduced in the United States by Dr. Ziya Saylan from Germany. It is not clear if there are advantages to this particular way of suture placement.

Mini Facelift

There is certainly not only one mini facelift technique. In general, a small incision is placed to gain access to particular areas of concern. Although certainly attractive to people looking for a quick and easy fix, commonly the results have been moderate at best and often only short lived. But as with any cosmetic procedure, the final result depends primarily on the patient's particular condition and the surgeon's expertise. There certainly are also positive reports from people who underwent a mini facelift. Best candidates for mini facelifts are usually the young with minimal sagging who just require a small touch up.



Fat Transfer (Lipostructure)

In recent years, there has been an emergence of discussion about

volume replacement as a rejuvenation technique. Because there were no great man-made volume fillers available, a person's own fat harvested from other areas (i.e., belly, thighs etc.), can be injected into the face for volume enhancement. The popularity of fat transfer may be changing as new volume fillers become available (namely Sculptra™ and liquid silicone). Most patients require lifting of sagging tissues within the jowl and neck region. The addition of volume augmentation can further improve the final result in the right patient. This fat transfer can be performed at the same time or later. If you have a thin face, ask your cosmetic surgeon about his thoughts about fat transfer for facial enhancement in your particular situation.

Other Lifting Techniques

Thread Lift

The goal behind the "thread lift" is to lift without elevating and removing skin. Sutures are fed beneath the skin and pull up droopy facial structures. Various branded and self-made sutures are available (i.e. Contour, APTOS, Silhouette etc.). These sutures mainly differ in how they hook into the facial tissues (barbed fish-hook like teeth, knots etc.). These techniques are very new and they longevity is not known. Although initial improvements are noticed, they may be only temporary (approximately 4 months). Companies promote touch-up or re-tightening procedures after 3 to 4 months. This is why many plastic surgeons who initially incorporated this technique into their practice, are not offering the thread lift to their patients anymore.

For more information, please visit the official websites for Contour Threads™ (www.contourthreads.com)

Feather Lift™

Feather Lift™ is another brand name for a thread lift. This technique has been introduced to the United States by Russian surgeon Dr. Salamanidze. Again, although decreased downtime is appealing, longevity is unproven.

For more information, please visit the official Feather Lift™

Website (www.featherlift.com).

Non-Surgical Facelift (Thermage™)

Thermage™ is a technique where radiofrequency waves applied to the skin lead to heat injury to deeper structures of the skin. This may lead to tightening of collagen and can increase the skin collagen contents. Digital measurements showed improvements after treatments. Unfortunately, these changes are often so subtle that patients with real gravity related concerns seek other procedures after their Thermage™ treatments. In addition, the longevity of these treatments is not known.

For more information, please visit the official Thermage™ website (www.thermage.com)

Natural Facelift

Claims for a "Natural facelift" are multifold; though none of these has been studied scientifically. And another word of caution: If it sounds too good to be true, then it may just be that! Some promise that certain facial exercises can reverse signs of aging. In addition, skin treatments (creams, lotions and masks) are promoted as the solution to the aging face...

[Click here to contact us for more information](#)



Home General Facelift Info About You Choosing a Cosmetic Surgeon Facelift Consultations Facelift Procedures
Incisions Anesthesia Preparation and After Care Complications Combined Procedures Sitemap Contact Us
This page describes the various facelift procedures such as Lifestyle Lift, mini-lift, necklift, and others that can be performed in Boston, Massachusetts.
© **Facelift Boston**, 2006 Web Design by RedstoneX

Exhibit C

```
<html>
<head>
<title>Procedures Boston Lifestyle Lift Mini-Lift Necklift S-Lift SMAS</title>
<meta name="description" content="Facelift procedures including the Lifestyle Lift, mini-lift, necklift, and others. Boston, Massachusetts." />
<meta name="keywords" content="Lifestyle Lift Mini Boston Face Lift" />
<a href="fb.css" rel="stylesheet" type="text/css" />
<!-- Begin get out of frame code -->
<script type="text/javascript">
function SymError()
{
return true;
}
window.onerror = SymError;
//-->
</script>
</script>
<SCRIPT type="text/Javascript">
//-- Beginning of JavaScript -->
if(top.location != self.location) {
document.location = self.location
}
//-- End of JavaScript -->
</SCRIPT>
<!-- End get out of frame code -->
<!-- Begin don't touch 1 -->
<script type="text/javascript">
//--
at message="";
////////////////////////////////////
function clickIE() {if (document.all) ((message);return false);}
function clickNS(e) {if
(document.layers||(document.getElementById?document.all)) {
if (e.which==2||e.which==3) {(message);return false;}}
else if (document.layers) {
document.captureEvents(Event.MOUSEDOWN);document.onmousedown=clickNS;}
else document.onmouseup=clickNS;document.oncontextmenu=clickIE;}
document.oncontextmenu=new Function("return false")
//-->
</script>
</script>
<!-- End don't touch 1 -->
<!-- Begin don't touch 2 -->
<META HTTP-EQUIV="imagecolbar" CONTENT="no" />
<!-- End don't touch 2 -->
<meta http-equiv="Content-Type" content="text/html; charset=iso-8859-1">
</head>
<body background="facelift-images/bkgd.jpg" left#8482;argin="0" topmargin="0">
<div align="center">
<table width="768" border="0" align="center" cellpadding="0" cellspacing="0">
<tr>
<td><a name="top"></a><a href="http://www.faceliftboston.com">
</div>
</body>
</html>
```


Exhibit D

```
<DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 4.01 Transitional//EN">
<html>
<head>
<title>Lifestyle Lift Lifestyle Face Lift</title>
<meta name="description" content="Lifestyle Lift Mini Face Lift Quick Thread Lifts S-lift Surgery">
<meta name="Keywords" content="Lifestyle Lift Mini Face Lift Quick Thread Lifts S-lift Surgery">
<link href="qldcss.css" rel="stylesheet" type="text/css">
<!-- Begin get out of frame code -->
<script language="JavaScript">
<!--
function SymError()
{
    n true;
}
window.onerror = SymError;
//-->
</script>
<SCRIPT LANGUAGE="JavaScript">
<!-- Beginning of JavaScript -->
if (top.location != self.location) {
    top.location = self.location
}
//-- End of JavaScript -->
</SCRIPT>
<!-- End get out of frame code -->
<!-- Begin don't touch I -->
<script language=JavaScript>
<!--
val message="";
//-----
function clickIE() {if (document.all) { (message);return false;}}
function clickNS(e) {if
(document.layers|| (document.getElementById?document.all)) {
    if (e.which==2||e.which==3) { (message);return false;}}
    if (document.layers)
        (document.captureEvents(Event.MOUSEDOWN);document.onmousedown=clickNS;)
    else (document.onmouseup=clickNS;document.oncontextmenu=clickIE;)
}
document.oncontextmenu=new Function("return false")
// -->
function MM_swapImgRestore() { //v3.0
    var i,x,a=document.MM_sr; for(i=0;a&&i<a.length&&(x=a[i])&&x.oSrc;i++) x.src=x.oSrc;
}
```

CIVIL COVER SHEET

County in which this action arose Oakland

This cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of filing the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS

Lifestyle Lift Holding, Inc. and LL MA East, P.C.

(b) County of Residence of First Listed Plaintiff Oakland
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Kenneth M. Zorn, Esq. (P22756), Michael C. McKinnon (P41362)
100 Kirts Blvd., Suite A, Troy, MI 48064
248-519-9129

DEFENDANTS

New Dream Network, L.L.C. and Frank P. Fechner, M.D.

County of Residence of First Listed Defendant Orange (CA)
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Select One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

Case: 2:08-cv-10392
Judge: Cohn, Avern
Referral MJ: Scheer, Donald A
Filed: 01-28-2008 At 03:07 PM
CMP LIFESTYLE LIFT ET AL VS NEW DRE
AM NETWORK LLC ET AL (LH)

Plaintiff
Defendant
F DEF
4 4
5 5
6 6

IV. NATURE OF SUIT (Select One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 198 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Select One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. 1051 et seq., 15 U.S.C. 1114, 1121, and 15 U.S.C. 1125(a)

Brief description of cause:
Trademark Infringement and Unfair Competition

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$
over \$75,000

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

January 28, 2008

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JANT TO LOCAL RULE 83.11

Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
